

APPEAL NO. 030868
FILED MAY 21, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 11, 2003. The hearing officer resolved the disputed issue by deciding that the _____, compensable injury does extend to and include the L3 through S1 discs and a failed fusion of those discs. The appellant (carrier) appealed, arguing that the determination of the hearing officer was against the great weight and preponderance of the evidence. The respondent (claimant) responded, urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable injury. The disputed issue is whether the compensable injury of _____, extends to and includes the L3 through S1 discs and a failed fusion of those discs. Extent of injury is a factual determination for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence, as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). Although there are conflicting medical opinions regarding whether the compensable injury extends to and includes the L3 through S1 discs and a failed fusion of those discs, the opinion of the claimant's treating doctor supports the hearing officer's decision. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **TRANSCONTINENTAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge